

Ronald Wilcox
Attorney at Law
2160 The Alameda, First Floor
Suite F
San Jose, California 95126
(408) 296-0400
(408) 296-0486 (Fax)

O. Randolph Bragg
HORWITZ, HORWITZ & ASSOCIATES, LTD.
25 E. Washington Street
Suite 900
Chicago, IL 60602
(312) 372-8822
(312) 372-1673 (Fax)

E-filed 9/8/05

ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL S. CANLAS, an individual,
on behalf of himself and all others
similarly situated,

Case No.: 05-00375 JF HRL

Plaintiff,

**ADMINISTRATIVE
MOTION TO SET ASIDE
DISMISSAL, and
[PROPOSED] ORDER**

v.

ESKANOS & ADLER, P.C.; IRWIN J.
ESKANOS; DONALD R. STEBBINS;
JEFF DANIEL; and JEROME M.
YALON, JR., individuals,

Defendants.

ADMINISTRATIVE MOTION TO SET ASIDE DISMISSAL

Plaintiff Michael S. Canlas requests the Court to reinstate the above captioned action and states the following in support thereof.

1. On January 25, 2005, Mr. Canlas was filed this action against defendants Eskanos & Adler, P.C.; Irwin J. Eskanos; Donald R. Stebbins; Jeff Daniel; and Jerome M. Yalon, Jr. alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§1692 *et seq.* (Docket # 1).

2. On August 17, 2005, at mediation the parties reached a tentative class action settlement of this litigation. (Docket # 28)

3. On August 25, 2005 an Order of Dismissal was entered. (Docket # 30).

4. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure., the Court must approve settlement of a class action.

5. The parties are preparing the class action settlement documents to present to the Court and anticipate filing these documents for approval within the next two weeks.

6. Defendants Eskanos & Adler, P.C.; Irwin J. Eskanos; Donald R. Stebbins; Jeff Daniel; and Jerome M. Yalon, Jr. do not oppose this motion.

WHEREFORE, Plaintiff requests that the present action be reinstated.

S/ O. Randolph Bragg
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[PROPOSED] ORDER

For the reasons cited in plaintiff's motion the dismissal is hereby set aside.

IT IS SO ORDERED.

Date: 9/7/05

Jeremy Fogel /s/electronic signature authorized
U.S. DISTRICT JUDGE